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SIPDIS
STATE FOR ISN/CB (KRISTEN GASS) AND EUR/CE

E.O. 12958: DECL: 08/12/2033
TAGS: [PARM](#) [PINR](#) [ETTC](#) [CBW](#) [IN](#) [IR](#) [GM](#)
SUBJECT: (S) GERMANY REQUESTS ADDITIONAL INFORMATION ON
UNITED PHOSPHORUS LTD PROLIFERATION CONCERN

REF: A. BERLIN 973
[B](#). STATE 85368
[C](#). BERLIN 1096

Classified By: Global Affairs Unit Chief Don L. Brown for
reasons 1.4 (b) and (d).

[1](#)1. (U) THIS IS AN ACTION REQUEST. PLEASE SEE PARA 4.

[1](#)2. (S) After reviewing a USG supplied nonpaper (REF B) detailing USG proliferation concerns with the Indian company United Phosphorus Ltd. (UPL), Germany is still inclined to approve a permit to export Australia Group listed items to UPL for legal reasons unless more evidence is supplied by the USG. On August 12, MFA Export Control Division Deputy Office Director, Markus Klinger, told Global Affairs Officer that the USG nonpaper did not provide a compelling justification of proliferation concern in connection with UPL.

[1](#)3. (S) Klinger specifically pointed to a bullet in the nonpaper referencing a 2005 Iranian pharmaceutical company price request for nerve agent chemical precursors from UPL as not/not reason to assume a malicious activity by UPL. He explained that one can not assume that a simple price request or inquiry of a potential dual use good by an Iranian company implies that the vendor would have entertained the request. Klinger asked the USG to provide information detailing the background of the Iranian company and how UPL responded to this request. Klinger said that without further information indicating UPL's intentions, Germany "would not have legal grounds" to deny this export. Klinger emphasized that Germany needs to make a decision on this export request "soon" and requested an indication from the USG of their intention to provide additional information by Friday, August [1](#)5.

[1](#)4. (SBU) ACTION REQUEST: Post requests Department guidance in responding to the questions raised in paragraph 3.
TIMKEN JR